

PART J NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

Rule J.1 Purpose and Scope.

This part establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to these individuals in connection with department inspections of licensees or registrants to determine compliance with the act, and rules, orders, registrations, and licenses issued thereunder regarding radiological working conditions. The rules in this part apply to all persons who receive, possess, use, own, or transfer sources of radiation registered with or licensed by the department under parts B and C of these rules.

General Regulatory Provisions and Specific Requirements

Rule J.11 Posting of Notices to Workers.

- a. Each licensee or registrant shall post current copies of the following documents or a notice that describes each document and states where it may be examined:
 - i. The rules in this part and in part D of these rules.
 - ii. The license, certificate of registration, conditions or documents incorporated into the license or registration by reference, and amendments to the license or registration.
 - iii. The operating procedures applicable to activities under the license or registration.
- b. Each licensee or registrant shall post a notice of violation involving radiological working conditions, a proposed imposition of a civil penalty, or an order issued under part A of these rules, and required responses from the licensee or registrant.
- c. Each licensee or registrant shall post department Form [X] "Notice to Employees" as required by these rules.
- d. Each licensee or registrant shall conspicuously post documents, notices, and forms as required by this rule in a sufficient number of places to allow individuals engaged in work under the license or registration to observe them on the way to or from work locations to which the document applies, and shall replace a document if it is defaced or altered.
- e. Each licensee or registrant shall post documents pursuant to subrule J.11(b) within 5 working days after receipt of the documents from the department; the licensee's or registrant's response shall be posted within 5 working days after dispatch from the licensee or registrant. These documents shall be posted for a minimum of 5 working days or until the violation has been corrected, whichever is later.

Rule J.12 Instructions to Workers.

- a. Each licensee or registrant shall ensure that each individual, who during employment is likely to receive in a year an occupational dose greater than 1 millisievert (100 millirems), shall be:

- i. Kept informed of the storage, transfer, or use of sources of radiation in the licensee's or registrant's workplace.
 - ii. Instructed in the risks associated with exposure to radiation or radioactive material to the individual and potential offspring and in precautions or procedures to minimize exposure.
 - iii. Instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these rules, registrations, and licenses for the protection of personnel from exposures to radiation or radioactive material.
 - iv. Instructed of their responsibility to report promptly to the licensee or registrant any condition that may constitute, lead to, or cause a violation of the act, these rules, a registration or license condition, or unnecessary exposure to radiation or radioactive material.
 - v. Instructed in the appropriate response to warnings made due to an unusual occurrence or malfunction that may involve exposure to radiation or radioactive material.
 - vi. Advised as to the radiation exposure reports that workers shall be provided pursuant to rule J.13.
- b. Each licensee or registrant shall keep records of the instructions described in this rule.
 - c. The extent of these instructions shall be commensurate with the potential radiological hazards in the workplace.

Rule J.13 Notifications and Reports to Individuals.

- a. Each licensee or registrant shall report radiation exposure data for an individual and the results of measurements, analyses, and calculations of radioactive material deposited or retained in the body to the individual as specified in this rule. The information reported shall include data and results obtained pursuant to these rules, orders, or license or registration conditions, as shown in records kept by the licensee or registrant pursuant to rule D.2106. Each notification and report shall be in writing and include:
 - i. The name of the licensee or registrant, the name of the individual, and the individual's unique identification number or social security number.
 - ii. The individual's exposure information.
 - iii. The following statement:

"This report is provided to you pursuant to Part J of the Michigan Department of Community Health rules entitled 'Ionizing Radiation Rules'. You should keep this report for future reference."
- b. Each licensee or registrant shall make dose information available to workers as shown in records kept by the licensee or registrant pursuant to rule D.2106. A licensee or registrant shall provide an annual report to each individual monitored pursuant to rule D.1502 of the

dose received in that monitoring year if:

- i. The individual's occupational dose exceeds 1 millisievert (100 millirem) total effective dose equivalent or 1 millisievert (100 millirem) to any individual organ or tissue; or
 - ii. The individual requests his or her annual dose report.
- c. At the request of a worker formerly engaged in work controlled by the licensee or registrant, the licensee or registrant shall provide a written report of the worker's exposure to sources of radiation. The report shall include the dose record for each year the worker was required to be monitored pursuant to rule D.1502. The report shall be provided within 30 days from the date of the request, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover the period of time the worker's activities involved exposure to sources of radiation. The report shall include the dates and locations of work under the license or registration in which the worker participated during this period.
- d. When a licensee or registrant is required pursuant to rules D.2202, D.2203, or D.2204 to report to the department any exposure of an individual to sources of radiation, the licensee or registrant shall also provide the individual a written report of the exposure data included in the report. This report shall be transmitted at a time not later than the transmittal to the department.
- e. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material during the current year, or at the request of a worker who, while employed by another person, is terminating a work assignment involving radiation exposure in the licensee's or registrant's facility during the current year, each licensee or registrant shall provide at termination to the worker, or to the worker's designee, a written report of the radiation dose received by that worker from operations of the licensee or registrant during the current year. If the most recent individual monitoring results are not available, a written estimate of the dose shall be provided. Estimated doses shall be clearly indicated as estimated doses.

Rule J.14 Presence of Representatives of Licensees or Registrants and Workers During Inspection.

- a. Each licensee, registrant, or applicant for a license or registration shall allow the department at all reasonable times, the opportunity to inspect materials, machines, activities, facilities, premises, and records under these rules.
- b. During an inspection, the licensee or registrant shall allow department inspectors to consult privately with workers as specified in rule J.15. The licensee or registrant may accompany department inspectors at times other than the private consultation with workers.
- c. If, at the time of inspection, the workers have authorized an individual to represent them during department inspections, the licensee or registrant shall notify the inspectors of the authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- d. Each workers' representative shall be routinely engaged in work under control of the

licensee or registrant and shall have received instructions as specified in rule J.12.

- e. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.
- f. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.
- g. Notwithstanding the other provisions of this rule, department inspectors may refuse to permit accompaniment by an individual who deliberately interferes with a fair and orderly inspection.
- h. Unless specifically authorized, an individual accompanying an inspector shall not have access to an area containing information classified by an agency of the U.S. government as a national security interest.
- i. Unless previously authorized by the licensee or registrant, a worker's representative shall not have access to an area containing proprietary information.

Rule J.15 Consultation with Workers During Inspections.

- a. Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules, licenses, and registrations to the extent that the inspectors consider necessary for the conduct of an effective and thorough inspection.
- b. During an inspection, a worker may report privately to the inspectors, either orally or in writing, a past or present condition that the worker believes may have contributed to or caused a violation of the act, these rules, a license or registration condition, or unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. If this notice is in writing, the worker shall comply with the requirements of subrule J.16(a).
- c. The provisions of subrule J.15(b) shall not be interpreted as authorization to disregard instructions pursuant to rule J.12.

Rule J.16 Requests by Workers for Inspections.

- a. A worker or a representative of workers who believes that a violation of the act, these rules, or license or registration conditions exists or has occurred regarding radiological working conditions may request an inspection of the facility by the department. The request shall be in writing, shall describe the circumstances of the perceived violation or condition, and shall be signed by the worker or the representative of the workers. The department shall provide a copy of the request to the licensee or registrant before or during the inspection. At the request of the worker, the department shall protect the worker's name and the name of individuals referred to in the request, except for good cause shown.

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202 b. If, upon receipt of a request for an inspection, the department determines that the complaint
203 meets the requirements of subrule J.16(a), and that there are reasonable grounds to believe
204 that the alleged violation exists or has occurred, an inspection shall be made as soon as
205 practical to determine if the alleged violation exists or has occurred. An inspection
206 authorized by this rule need not be limited to matters referred to in the complaint.
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208 Rule J.17 Inspections Not Warranted; Informal Review.
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- 210 a. If the department determines, with respect to a complaint filed pursuant to rule J.16, that an
211 inspection is not warranted because there are no reasonable grounds to believe that a
212 violation exists or has occurred, the department shall notify the complainant in writing of the
213 determination. To request a review of the determination the claimant shall submit a written
214 statement of position to the director of the department. The department director, or his or
215 her designated representative, shall send the licensee or registrant a copy of the statement
216 by certified mail, excluding, at the request of the complainant, the name of the complainant.
217 The licensee or registrant may submit an opposing written statement of position to the
218 director of the department. The department director, or his or her designated
219 representative, shall send the complainant a copy of the statement by certified mail.
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221 b. At the request of the complainant, the department may hold an informal conference in which
222 the complainant and the licensee or registrant may orally present their views. An informal
223 conference may also be held at the request of the licensee or registrant, but disclosure of
224 the identity of the complainant shall be made only following receipt of written authorization
225 from the complainant. After considering all written and oral views presented, the director of
226 the department, or his or her designated representative shall affirm, modify, or reverse the
227 determination of the department and provide the complainant and the licensee or registrant
228 a written notification of the decision and the reason therefore.
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230 c. If, upon receipt of a request for an inspection, the department determines that an inspection
231 is not warranted because the complaint does not meet the requirements of subrule J.16(a),
232 the department shall notify the complainant in writing of the determination. The
233 determination shall be without prejudice to the filing of a new complaint meeting the
234 requirements of subrule J.16(a).
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236 Rule J.20 Employee Protection.
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238 Employment discrimination by a licensee, registrant, or contractor or subcontractor of a licensee
239 or registrant against an employee for engaging in protected activities under this part is
240 prohibited.
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